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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,961	03/30/2001	Mark Bunger	SFTC-01004US0	8324

28554 7590 03/25/2004

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EXAMINER

BARTUSKA, FRANCIS JOHN

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,961

Applicant(s)

BUNGER ET AL.

Examiner

F. J. BARTUSKA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11, 12.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. This claim is non-statutory because the program is not claimed as being recorded on a computer-readable medium. As written the claim can be broadly read as the computer readable medium and the program existing separately. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 4-6, 9-17, 23, 24 and 27 are rejected under 35

U.S.C. 102(a) as being clearly anticipated by the “RocketCash Targets Teens With Secure E-Commerce” publication. The “RocketCash Targets Teens With Secure E-Commerce” publication discloses an online shopping gateway where the teens are the users, RocketCash.com is the associate and the online retail outlets are the merchants. The teens log in to the RocketCash web site, select a merchant site, select goods to be purchased and direct RocketCash to purchase the goods. RocketCash informs the merchants of the goods to be purchased and adds the company’s credit card to pay for the transaction. The addition of the RocketCash pay information to the purchase order comprises adding information to the purchase information that is transferred to the merchant. Calling for the additional information to include promotional information or a key value or for the identification value to be particular a card number are only statements of intended use.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 18-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "RocketCash Targets Teens With Secure E-Commerce" publication in view of Arnold et al (6,016,504). The

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“RocketCash Targets Teens With Secure E-Commerce” publication discloses all the features of the applicants’ claimed invention except framing the merchant’s web site with information from the associate. Arnold et al show an online shopping system with an associate web site 1B10 that links to merchant web sites 1B20 and 1B30. In Fig. 1B merchant web sites 1B20 and 1B30 are framed with information (the Acme Cyberstore banner) from the Virtual Outlet associate to give the merchant’s site the same appearance as the Virtual Outlet site so that the transition appears seamless, see col. 9, lines 14-20. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Arnold et al to frame the merchant web sites of the “RocketCash Targets Teens With Secure E-Commerce” publication with information from the associate to give them the same appearance so that the transition appears seamless.

7. Claims 7, 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the “RocketCash Targets Teens With Secure E-Commerce” publication in view of the “RocketCash TM Gives Teens Complete E-Commerce Freedom, Allows Kids to Open Free Online

Spending Accounts Without Parent Credit Cards” publication. The “RocketCash Targets Teens With Secure E-Commerce” publication discloses all the features of the applicants’ claimed invention except obtaining a value card. The “RocketCash TM Gives Teens...” publication discloses that the RocketCash system can print gift certificates that shoppers use for cash at the RocketCash web site. It would have been obvious to one of ordinary skill in the art in view of the teaching in the “RocketCash TM Gives Teens...” publication to provide the system of the “RocketCash Targets Teens With Secure E-Commerce” publication with means to provide the users with printed gift certificates, which comprise value cards.

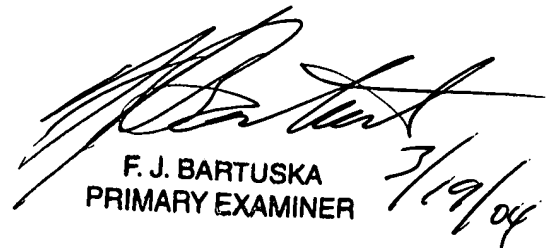
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The “RocketCash and Cybergold Empower Teens to Earn Money and Shop Online” publication is cited for the disclosure that promotional cash earned from advertisements or product programs may be used on the RocketCash web site.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. BARTUSKA whose telephone number is 703-308-1111. The examiner can normally be reached on MONDAY-FRIDAY (ALTERNATE FRIDAYS OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT P. OLSZEWSKI can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


F. J. BARTUSKA
PRIMARY EXAMINER 3/19/04